

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RHONDA RAMSEY,

Plaintiff

v.

DANIEL HILL, et al.,

Defendants

Case No.: 2:23-cv-00752-APG-EJY

**Order**

Plaintiff Rhonda Ramsey brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that she claims she suffered while incarcerated. ECF No. 1. On May 24, 2023, the magistrate judge ordered Ramsey to file a fully complete application to proceed *in forma pauperis* or pay the full \$402 filing fee on or before June 26, 2023. ECF No. 3. The magistrate judge warned Ramsey that the action could be dismissed if she failed to file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action by that deadline. *Id.* at 1-2. That deadline expired and Ramsey did not file a fully complete application to proceed *in forma pauperis*, pay the full \$402 filing fee, or otherwise respond.

**I. Discussion**

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. *See Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S.*

1 *Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court  
2 order). In determining whether to dismiss an action on one of these grounds, I must consider: (1)  
3 the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its  
4 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of  
5 cases on their merits; and (5) the availability of less drastic alternatives. *See In re*  
6 *Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*  
7 *v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987)).

8         The first two factors, the public’s interest in expeditiously resolving this litigation and the  
9 court’s interest in managing its docket, weigh in favor of dismissal of Ramsey’s claims. The  
10 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a  
11 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading  
12 ordered by the court or prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th  
13 Cir. 1976). The fourth factor—the public policy favoring disposition of cases on their merits—is  
14 greatly outweighed by the factors favoring dismissal.


15         The fifth factor requires me to consider whether less drastic alternatives can be used to  
16 correct the party’s failure that brought about the court’s need to consider dismissal. *See Yourish*  
17 *v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic  
18 alternatives *before* the party has disobeyed a court order does not satisfy this factor); *accord*  
19 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that “the persuasive  
20 force of” earlier Ninth Circuit cases that “implicitly accepted pursuit of less drastic alternatives  
21 prior to disobedience of the court’s order as satisfying this element[,]” *i.e.*, like the “initial  
22 granting of leave to amend coupled with the warning of dismissal for failure to comply[,]” have  
23 been “eroded” by *Yourish*). Courts “need not exhaust every sanction short of dismissal before

1 finally dismissing a case, but must explore possible and meaningful alternatives.” *Henderson v.*  
2 *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). Because this action cannot realistically proceed  
3 until and unless Ramsey either files a fully complete application to proceed *in forma pauperis* or  
4 pays the \$402 filing fee for a civil action, the only alternative is to enter a second order setting  
5 another deadline. But the reality of repeating an ignored order is that it often only delays the  
6 inevitable and squanders the court’s finite resources. The circumstances here do not indicate that  
7 this case will be an exception: there is no hint that Ramsey needs additional time or evidence  
8 that she did not receive the court’s order. Setting another deadline is not a meaningful  
9 alternative given these circumstances. So the fifth factor favors dismissal.

## 10 **II. Conclusion**

11 Having thoroughly considered these dismissal factors, I find that they weigh in favor of  
12 dismissal. It is therefore ordered that this action is dismissed without prejudice based on  
13 Ramsey’s failure to file a fully complete application to proceed *in forma pauperis* or pay the full  
14 \$402 filing fee in compliance with the magistrate judge’s May 24, 2023, order. The Clerk of  
15 Court is directed to enter judgment accordingly and close this case. No other documents may be  
16 filed in this now-closed case. If Ramsey wishes to pursue her claims, she must file a complaint in  
17 a new case.

18 Dated: July 18, 2023

19   
20 U.S. District Judge  
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